

## **REMARKS/ARGUMENTS**

### **A. General:**

1. Claims 1, 7, 8, 9, 11, 15, 17, 18, 25, 41 - 42, 45, and 48-50 have been amended. Claim 1 has been amended by incorporating the language from claims 4 and 12 and a second reservoir and movement control; support is found in Fig. 3A. Claim 25 has been amended by incorporating language from claims 43, 44, 46, and 47. Claims 48-50 have been amended to make them either directly or indirectly dependent on claim 25. Claims 7-9, 11, 15, 17, 18, 41, 42, and 45 have been amended to change their dependencies due to amendments to and cancellation of other claims.

2. Claim 2 was previously canceled; claims 4, 10, 12-14, 16, 19-21, 40, 43, 44, 46, 47, and 51 have been canceled in this amendment.

3. Claims 22-24 stand allowed.

4. Claims 1, 3, 5-9, 11, 15, 17, 18, 22 - 39, 41, 42, 45, and 48 - 50 remain in the application.

### **B. §102 Rejection:**

The Examiner has rejected claims 1, 3, 5 - 6, 13, 25 - 28, 37 - 42, 46 - 49, and 51 under 35 USC §102(b) as being anticipated by Crowley et al. (US Patent 6,324,418).

Applicants have canceled claims 13, 40, 46, 47, and 51 thereby obviating this rejection as to them.

Applicants have amended claims 1 and 25, the only remaining independent claims except allowed claim 22, as noted above. Because of the elements now incorporated in both claims, as amended, Crowley et al. cannot anticipate either claim or, therefore, the remaining claims that depend therefrom.

C. §103 Rejections:

Applicants have amended claim 1 to incorporate therein introducing an exogenous fluorescent – labeled probe from a first reservoir; generating an electric field to enhance uptake of the exogenous probe; releasing a drug for killing abnormal cells from a second reservoir; and controlling the movement of the autonomous solid support to keep it in place to monitor the efficacy of the released drug. Claim 25 was similarly amended to include a processor, first and second reservoirs, a release mechanism, an electrode, a communications system, a wireless power transfer system, and a position control system. Applicants submit that, as currently amended, claims 1 and 25 are non-obvious over the prior art because none of the prior art discloses or suggests how to obtain the density of functionality that is contained in Applicants' swallowable autonomous solid support capsule as now recited in claims 1 and 25.

1. The Examiner has rejected claims 4, 7 - 10, 43, and 50 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. (US Pub. No. 2002/0168317).

Applicants have canceled claims 4, 10, and 43 thereby obviating this rejection as to them.

For the reasons cited above with regard to claims 1 and 25 from which the rejected claims depend, the combination of the cited references does not render obvious claims 7, 8, 9 and 50.

2. The Examiner has rejected claims 11 and 45 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. and in further view of Rodriguez et al. (US Pub. No. 2004/0049148).

For the reasons cited above with regard to claims 1 and 25 from which the rejected claims depend, respectively, the combination of the cited references does not render obvious claims 11 and 45.

3. The Examiner has rejected claims 12 and 44 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Daighighian et al. and in further view of Reed et al. (US Patent 6,197,013).

Applicants have canceled claims 12 and 44 thereby obviating this rejection.

4. The Examiner has rejected claims 14 - 16 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al. (US Pub. No. 2003/0020810) and in further view of Gazdzinski (US Patent 6,984,205).

Applicants have canceled claims 14 and 16 thereby obviating this rejection as to them.

For the reasons cited above with regard to claim 1 from which claim 15 now depends, the combination of the cited references does not render obvious claim 15.

5. The Examiner has rejected claim 18 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al., Gazdzinski, and in further view of Rodriguez et al.

For the reasons cited above with regard to claim 1 from which claim 18 now depends, the combination of the cited references does not render obvious claim 18.

6. The Examiner has rejected claim 19 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al., Gazdzinski, and in further view of Reed et al.

Applicants have canceled claim 19 thereby obviating this rejection.

7. The Examiner has rejected claims 20 - 21 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al. and in further view of Tachibana et al. (US Patent 6,176,842).

Applicants have canceled claims 20 and 21 thereby obviating this rejection.

8. The Examiner has rejected claim 29 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al.

For the reasons cited in Applicants' response to the rejection of claim 25, the cited references in combination do not render obvious claim 29.

9. The Examiner has rejected claims 30 - 31 and 33 - 35 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Iddan et al. (US Patent 5,604,531).

For the reasons cited above in Applicants' response to the rejection of claim 25, the cited references in combination do not disclose and render obvious claims 30-31 and 33-35.

10. The Examiner has rejected claims 32 and 36 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Hochrainer et al. (US Patent 6,949,154).

For the reasons cited above in Applicants' response to the rejection of claim 25 and, additionally, for the reason that Hochrainer et al. is directed to sealing medicinal capsules and has nothing to do with the type of invention claimed by

Applicants, the cited references in combination do not render obvious claims 32 and 36.

11. The Examiner has rejected claim 47 under 35 USC §103(a) as being unpatentable over Crowley et al. in view of Takizawa et al.

Applicants have canceled claim 47 thereby obviating this rejection.

D. Conclusion:

The Examiner having allowed claims 22 – 24, Applicants respectfully request that a timely Notice of Allowance be issued in this case for claims 1, 3, 5-9, 11, 15, 17, 18, 22-39, 41, 42, 45, and 48 - 50.

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